

Remarks

Applicants request favorable reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks.

Applicants' representatives thank the Examiner for the cordial and productive interview held on July 8, 2004, during which the foregoing claim amendments were discussed. Applicants also thank the Examiner for withdrawing the restriction requirement and indicating that non-elected species claims 31-36 and 44-48 would be eligible for rejoinder upon allowance of a generic claim.

Claims 26-50 and 52-54 are currently pending, with claims 31-36 and 44-48 having previously been withdrawn from consideration pursuant to an election of species requirement. Claims 26 and 40 are independent.

By this paper, claim 51 has been cancelled, without prejudice or disclaimer, and claims 26, 27, 30, 37-41, 43, 49, 50, and 52 have been amended to clarify features of Applicants' invention. Applicants have also amended the specification to correct obvious, formal errors, and have amended FIG. 1 to extend a lead line. Support for the changes can be found in the original application, as filed. Applicants submit that no new matter has been added.

In the Office Action dated April 9, 2004, claims 26-30, 37-43, and 49-54 were rejected under 35 U.S.C. § 112, first paragraph, "as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention." The Office Action further notes that this is not "an enablement rejection, but rather one of antecedent." This rejection is respectfully traversed.

As discussed at the interview, each of independent claims 26 and 40 recites that the pressure in the collecting vessel is controlled so that the particulate material can be conveyed from the collecting vessel to the receiving vessel at essentially the same as the pressure as is prevailing in the receiving vessel. This is done by controlling the rate at which the carrier gas is discharged from the collecting vessel. The precise pressure to which the collecting vessel is controlled, however, is not critical. As discussed in the specification at paragraph [0053], for example, if the receiving vessel is at atmospheric pressure, this can be done by having the discharge conduit of the collecting vessel lead to the open air or to a space essentially at atmospheric pressure. If the pressure of the receiving vessel differs from atmospheric pressure, then the discharge conduit can be drawn to a space essentially at the same pressure as that of the receiving vessel. At the interview, the Examiner indicated that this explanation satisfied his concerns about the claims under § 112, first paragraph.

Dependent claims 27-30, 37-39, 41-43, 49, 50, and 52-54 recite additional patentable features of Applicants' invention. Further individual consideration of the dependent claims is requested.

Applicants request that this Amendment After Final Rejection be entered under 37 C.F.R. § 1.116. Applicants submit that the present amendments place the claims in condition for allowance, or at least in better form for appeal. The present amendments were not previously presented due to Applicants' belief that the prior claims were allowable. Indeed, Applicants submit that the present amendments to independent claims 26 and 40 merely rearrange and/or make explicit features that were already recited or at least implicit in the prior versions of those

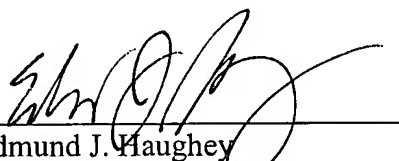
claims. Therefore, no additional search would appear to be necessitated by the present amendments.

Applicants submit that the subject application is in condition for allowance.

Favorable reconsideration, withdrawal of the rejection set forth in the Office Action, and an early Notice of Allowance are requested.

Applicants' undersigned attorney can be reached in the Washington, D.C. office of Fitzpatrick, Cella, Harper & Scinto by telephone at (202) 530-1010. All correspondence should continue to be directed to the below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edmund J. Haughey', is written over a horizontal line.

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Amendments to the Drawings

The attached drawing sheet includes changes to FIG. 1. Specifically, the lead line for reference numeral 32 has been extended. This sheet replaces the original sheet including FIG. 1.

Also attached is an annotated sheet in which the change to FIG. 1 is shown in red.

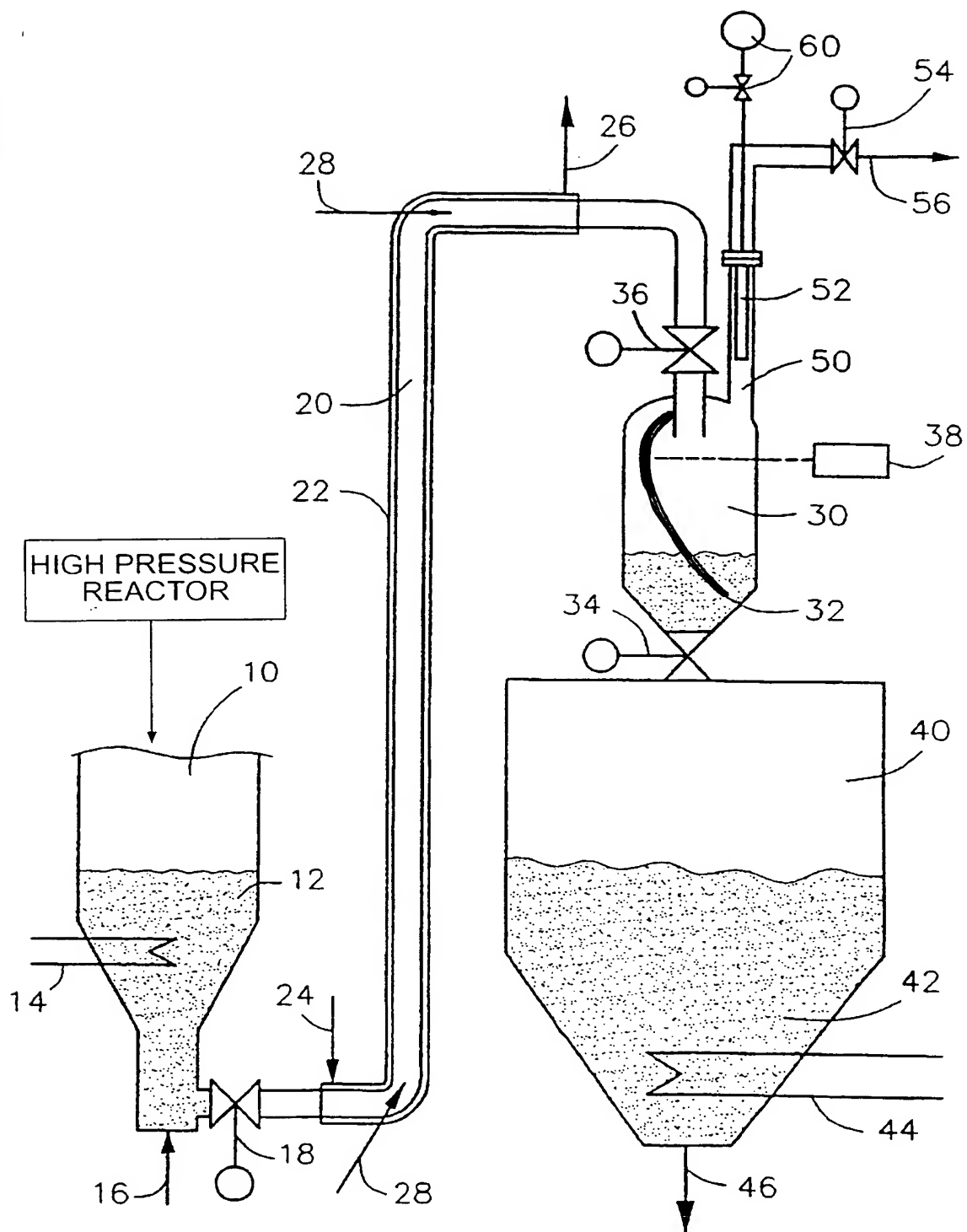


Fig 1.